

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawai`i

THOMAS A. HELPER 5676
Room 6-100, PJKK Federal Bldg.
Assistant U.S. Attorney
300 Ala Moana Boulevard
Honolulu, Hawai`i 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-3752
E-mail: tom.helper@usdoj.gov

Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI`I

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	STIPULATED PROTECTIVE ORDER
)	REGARDING RELEASE OF PERSONNEL
v.)	FILES AND EEO FILES PROTECTED
)	BY THE PRIVACY ACT; ORDER
MICHAEL CHERTOFF, Secretary)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendants.)	
)	

STIPULATED PROTECTIVE ORDER
REGARDING RELEASE OF PERSONNEL FILES
AND EEO FILES PROTECTED BY THE PRIVACY ACT

Plaintiff seeks discovery of certain personnel records which are held by the United States, including resumes and other personnel records of plaintiff's supervisors, resumes and applications for the persons hired for the positions sought by plaintiff, and records from administrative proceedings regarding personnel decisions affecting plaintiff's supervisors (hereafter, "personnel records"). The federal defendants assert that these

records are protected by the provisions of the Privacy Act of the United States, 5 U.S.C. § 552a, unless their release is ordered by a court of competent jurisdiction. Plaintiff agrees to the enter into this protective order regardless of whether the Privacy Act applies or not.

Disclosure of the personnel records is reasonably necessary for the investigation and adjudication of this case. Accordingly, the parties agree to release of the documents on the following terms, and the court approves such release:

- 1) One copy of the personnel records will be turned over to Plaintiff's counsel, Daphne Barbee. Said copy may be used by counsel and her employees in her offices and in the court proceedings herein and may also be used by experts and agents, all of whom shall be made aware of and be bound by this order.
- 2) The information contained within such the personnel records shall not and will not be used for any other purpose than use in this litigation. Personally identifying information (home addresses, social security numbers, etc.) will be redacted from the personnel records.
- 3) Said personnel records may not be released for any other purpose to any other person or agency without the express authorization by written order from this court. The parties are ordered to take all such steps as are necessary to maintain the

confidentiality of these records except as is necessary to put them into evidence in the proceedings in this matter.

4) Upon the completion of the litigation proceedings in this matter (to include any possible appeal), all copies of personnel records held by plaintiff's counsel or any persons employed by or otherwise engaged by her shall be returned to the office of the United States Attorney for the District of Hawai`i, with the specific notation that they are privileged privacy records being returned pursuant to the provisions of this order. Alternatively, Plaintiff's counsel will destroy the records and provide notice of destruction to Defendant's counsel.

5) Entry of this protective order does not waive any right or privilege defendant may have to object to production of any document on grounds other than the Privacy Act.

DATED: at Honolulu, Hawai`i, May 11, 2007.

EDWARD H. KUBO, JR.
United States Attorney
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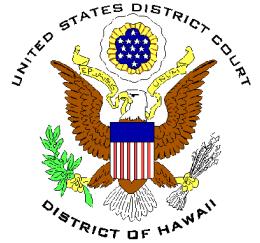
/s/ Daphne Barbee

DAPHNE BARBEE
Attorney for Plaintiff

/s/ Thomas A. Helper
By

THOMAS A. HELPER
Assistant U.S. Attorney
Attorneys for Federal Defendants

APPROVED AND SO ORDERED:



/S/ Leslie E. Kobayashi

Leslie E. Kobayashi
United States Magistrate Judge

Raymond Ware v. Michael Chertoff, Civil No. 04-00671 HG LEK
STIPULATED PROTECTIVE ORDER REGARDING RELEASE OF PERSONNEL FILES
AND EEO FILES PROTECTED BY THE PRIVACY ACT; ORDER